

Minutes of the West Bountiful City Council meeting held on **Tuesday, October 7, 2014** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

Those in attendance:

MEMBERS: Mayor Kenneth Romney, Council members James Bruhn, Kelly Enquist, Debbie McKean, Mark Preece

EXCUSED: Council member James Ahlstrom

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Ben White (City Engineer), Todd Hixson (Police Chief), Cathy Brightwell (City Recorder), Steve Maughan (Public Works Director), Patrice Twitchell (Finance Clerk)

VISITORS: Alan Malan, Chuck Allison, Gene Mietchen

Mayor Romney called the meeting to order at 7:30 pm. Kelly Enquist offered a prayer, and the Pledge of Allegiance was led by Debbie McKean.

1. Accept Agenda

MOTION: *Debbie McKean moved to approve the agenda. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

Mayor Romney announced that Council member James Ahlstrom is ill and will not be attending this evening's meeting. Duane introduced Patrice Twitchell, the City's new finance clerk.

2. Public Comment

No comment

3. Consider Public Improvement Reimbursement Agreement with the Horrocks at 997 W 1600 North.

Duane Huffman summarized discussion from previous meetings regarding filling in gaps in public improvements, specifically, curb, gutter and sidewalk, around the city. Staff was instructed at the last meeting to prepare a Reimbursement Agreement for the Horrocks' whereby the City will initially cover the cost of installing the improvements in front of their home at 997 W 1600 North, and the Horrocks will reimburse the City over a period of 5 years at 0% interest. Any similar reimbursement arrangements will be on a case by case basis, but the specific issues on this property give cause for entering into an Agreement.

Steve Doxey explained this does not give the City secured status in bankruptcy, etc. He said if that were to happen we would do what we could to get the money owed. Mr. Doxey added that the Agreement will be recorded against the property and although it is not a lien, it will be "due on

sale” so the City will be paid if the property is transferred or sold before the debt is paid in full. He suggests adding a new section 6.f. to include a joint/severable clause to deal with multiple owners.

Duane clarified that the Horrocks will be responsible for 100% of the curb and gutter construction costs, and the city will cover the asphalt patch and storm drain costs. There was discussion about the drainage issues on the property and whether the improvements would fix the problem. Ben White explained the curbing and additional storm drains catch basins will help with drainage.

Council member McKean stated these residents did not create the problem, the development around them did, but she does not like lending taxpayer money so she cannot support the Agreement.

MOTION: *Mark Preece moved to approve the Public Reimbursement agreement with the Horrocks at 997 W 1600 North, adding a new 6.f. as drafted by Steve Doxey. Kelly Enquist seconded the Motion which PASSED by a vote of 3-1.*

The vote was recorded as follows:

James Ahlstrom – Absent
James Bruhn – Aye
Kelly Enquist – Aye
Debbie McKean– Nay
Mark Preece – Aye

4. Discussion on asphalt/sidewalk options related to a potential Special Assessment Area for the Jessi’s Meadow Subdivision.

Duane Huffman reviewed previous discussions when the City considered the creation of a special assessment for the Jessi’s Meadow subdivision to cover the responsibilities of the current Homeowner’s Association, including the option of replacing the current asphalt path with sidewalk, relieving the HOA/residents of the on-going responsibility to maintain the path. The estimated cost was approximately \$300,000, but it has become apparent that because the amount is relatively small, the City will not be able to obtain external financing at reasonable rates/terms. Instead of a 20-25 year term, banks are only willing to go 10 years resulting in costs residents cannot bear.

Duane offered three options for consideration. Option 1 - internally finance the costs of the new sidewalk; Option 2 – instead of replacing asphalt, maintain the existing path, spreading the costs out over time; and Option 3 – re-evaluate the concept of creating a special assessment area. If the HOA dissolves, each homeowner would be responsible to maintain the path on their property.

The Council asked staff for estimates on how much work the asphalt path needs immediately and the costs associated with that work. Ben White estimated that the trail probably needs \$4K-\$5K worth of work now.

Mayor Romney stated that he understood that long-term maintenance of the path will be problematic, but that is probably the only workable solution at this point. Council member Bruhn stated that he would like to see the path kept in place while we ultimately work towards replacing it with the sidewalk. Council member Preece suggested that perhaps the sections in poorest condition could be replaced with sidewalk while the rest of the path remains asphalt.

HOA representatives, Gene Mietchen and Chuck Allison think residents will be accepting to the proposal of shifting back to maintaining the asphalt.

The consensus was to move forward with a modified version of option B, planning for maintenance of the asphalt path but replacing sections with sidewalk as needed and when possible. Duane reviewed the public notice requirements including timeframes for a public hearing, with a goal of having something in place in early 2015.

5. Consider purchase of 2012 Ford Explorer for \$12,000.00.

Chief Hixson explained his request to purchase a 2012 Ford Explorer that is currently leased by the City, which has low mileage and is in good condition. As part of the \$12,000 purchase, a City-owned 2008 Ford Explorer in the spare vehicle fleet will be traded-in. It is aging and should no longer be in service. Trade in value is estimated at \$6,500. The difference will be paid from the police department's current budget, most of which is coming from savings in the costs of this year's new vehicle leases and fuel reimbursements from the officers.

MOTION: *Mark Preece moved to approve the purchase of the 2012 Ford Explorer for \$12,000. James Bruhn seconded the Motion which PASSED by unanimous roll call vote of all members present.*

The vote was recorded as follows:

James Ahlstrom – Absent
James Bruhn – Aye
Kelly Enquist – Aye
Debbie McKean – Aye
Mark Preece – Aye

6. Consider adoption of Resolution 351-14 “A Resolution Amending the West Bountiful City Personnel Policy to Add a Driver Qualification Policy.”

Duane Huffman explained that the City's vehicle and liability insurer (Utah Local Government Trust) recommends that cities adopt a policy that allows the screening of employees' motor vehicle records on an on-going basis, and based on the results, prohibiting individuals that present undue risk from driving while on city business. The adoption and implementation of such a policy is required to receive a 5% rebate on our premium through their Trust Accountability Program.

In response to questions, Duane clarified that the policy applies to all employees who drive in city vehicles or personal vehicles on city business, and includes on and off-duty driving records. He added that this policy is not meant to target any existing employee.

He recommends the review period in the initial proposal be changed from 2 years to 18 months because it seems more appropriate for our staff size.

MOTION: *Debbie McKean moved to adopt Resolution #351-14 amending the West Bountiful City Personnel Policy to add a Driver Qualification Policy changing the review term from 2 years to 18 months. James Bruhn seconded the Motion which PASSED by unanimous roll call vote of all members present.*

The vote was recorded as follows:

James Ahlstrom – Absent
James Bruhn – Aye
Kelly Enquist – Aye
Debbie McKean – Aye
Mark Preece – Aye

7. Public Works Report

Steve Maughan provided a brief summary of Public Works activities.

- The 500 South water line is back under construction now that our water connection with Bountiful is up. Blake is working nights to keep an eye on construction. Both water tanks are full. The City well was restarted. Samples are clean, so it was turned into the system today in anticipation of turning down our Weber Basin feed so we will just be running through the Bountiful connection.
- Jake Taylor is exercising hydrants and putting on new valve boxes; he has done about 200 so far.
- The Chase subdivision on Pages Lane finally got their paving patchwork done.
- 800 West – We weren't happy with the paving work on the north end, so we required the contractor to fix it. It is much better than it was. Inspection of the road shows they gave us more asphalt than designed so it may last longer. They should be finished this week then they will perform a seal coat.
- Curb and gutter is scheduled for Olsen Ranches tomorrow. The first lift of asphalt will be placed this fall but they may need to wait until spring for the final.
- Snow plow trucks are being prepped for winter. We got a new plow blade for the 1 ton which puts us in better shape for cul-de-sacs, plus having an extra employee will help us cover winter better. So far, we do not have a contractor this year to help us with cul-de-sacs; it is tough to contract with someone when we don't know how much snow we'll have.
- Alice Acres – The contractor has told us he's finished so we will get with the developer to get the sidewalks put back together now that the water services are complete. Ben added that the subdivision plat has still not been recorded.
- Birnam Woods – The rain stopped us from grading and we'll try to get a bulldozer from M.C. Green now that the area is drying out.

8. Administrative Report

Duane Huffman reported that our Audit is scheduled for the week of October 27.

He also said the Utah Local Government Trust had a representative here last Friday morning conducting a safety inspection of all our facilities including the trail, parks, golf course, and city buildings. There were no significant issues. Once he receives their report he will share it with everyone. He commended department heads for keeping their areas in good shape.

Patrice Twitchell is doing well, and Heidi Voordeckers will be here Friday to help with training.

9. Mayor/Council Reports

Kelly Enquist said he received a question about bike races/marathons and our level of liability when they use volunteers. Chief Hixson said race organizers sometimes call us to let us know their plans, but we have no approval process – everyone acts at their own risk. Duane gave an example of the recent WB Elementary school race and said when they called for permission we asked them for a copy of their certificate of insurance and asked them to add us as an additional insured, which is similar to what UDOT requires. If we're concerned, we could set up a policy with detailed requirements. Kelly asked if we should require their volunteers to be certified and a minimum age to help with traffic. Mayor Romney shared some examples of recent accidents. Duane commented that from a liability standpoint, we either want no involvement or a lot of involvement. Currently we are taking a position that they are on their own. Concerns with traffic issues are different than liability issues, and bike riders are a little different than runners/walkers.

Debbie McKean. Arts Council will present Cowboy poetry this Friday which is always very good. She said Nathan Sutherland would like to be appointed to the Arts Council. She attended Utah Mosquito Abatement Assn board training today.

James Bruhn said he got a question from a resident asking if road repairs are approved based on who lives on that road. He said he assured them decisions are made based on the need of the road and condition of water lines.

Mark Preece reported on the West Centerville neighborhood meeting and said West Bountiful had the majority of attendees at the open house. Several West Bountiful residents have been writing letters complaining about the proposal for high density residential development. He suggested the Council write a letter to Centerville addressing the comments. Duane Huffman agreed to draft a letter. Duane suggested a joint Council meeting might be helpful. The last Neighborhood meeting is scheduled for Thursday, October 14.

Youth Council is meeting this Thursday and they are making plans for their annual Safe Halloween event.

Mayor Romney. We need to follow-up with Holly on the status of the berm.

10. Approval of Minutes from the September 10, 2014 and September 16, 2014 City Council Meetings.

MOTION: *Debbie McKean moved to approve the minutes from the September 10, 2014 and September 16, 2014 meetings as presented. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

11. Adjourn

MOTION: *Mark Preece moved to adjourn this meeting of the West Bountiful City Council at 8:55pm. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, November 4, 2014.

Cathy Brightwell
Cathy Brightwell (City Recorder)

